

# Fire Safety Order 2005

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The Regulatory Reform (Fire Safety) Order 2005 was introduced to ratify previous fire safety references in numerous pieces of legislation into one single, simple order and to reduce the number of enforcing authorities that businesses have to deal with. The order has shifted the emphasis from purely fire prevention to one of risk assessment and fire prevention.

## In a nutshell

The fire safety order 2005 requires any person who exercises some level of control over premises to take reasonable steps to reduce the risk from fire and ensure occupants can escape if a fire does occur.

## Who does it affect?

The order places a duty on a 'responsible person'. This is usually the owner, employer or occupier of business or industrial premises. There can be more than one responsible person for any particular building.

## What types of premises does it apply to?

The order applies to virtually every type of building, structure and open space but excludes purely domestic premises occupied by a single family unit. As examples, the following would be covered:

- hotels and hostels
- offices and shops
- factories and warehouses
- pubs and restaurants
- schools and community halls
- multiple occupancy rented domestic accommodation

## What does a responsible person have to do?

The responsible person must carry out a fire risk assessment on the building and implement any appropriate fire safety measures to minimise risk to life. They must then ensure that the assessment is kept up to date.

## What is a fire risk assessment?

The responsible person must assess the premises in the following manner:



1. identify hazards – what could trigger a fire, what flammable materials are present, are there adequate means of escape etc.
2. consider who could be at risk (with particular care to the vulnerable, such as the disabled, elderly or children) – employees, visitors, people in neighbouring premises
3. eliminate or reduce risk – reduce risk of fire breaking out or spreading, provide clear and adequate means of escape and provide general fire precautions
4. plan and train – make a clear plan of how to prevent fires on the premises and how to deal with one should the worst happen, including fire drills, evacuation and re-admittance procedures. Make sure employees know what to do and are provided adequate training.
5. Review – points 1-4 above should be regularly reviewed and reflect any changes that have occurred

If there are 5 or more employees the above must be formally recorded. It is recommended to formally record these matters in any event. You will require proof that you are complying with the order if a local authority inspector visits the premises and this is best done with a written record of your activities, e.g. a fire log book with details of fire drills, staff fire training, dates of fire equipment checks, updates of the fire risk assessment etc.

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## Can I carry out the assessment myself?

Yes. Ensuring fire safety in most cases is largely a matter of common sense. In fact the person best placed to maintain fire safety is normally the person with responsibility for the premises. They are usually the person with the best knowledge of the premises and the people that could be at risk from fire.

However, the responsible person can appoint a 'competent person' to assist them. You may wish to do this if the premises are complicated or there is a high risk to life.

## I share my premises – what do I do?

You will need to make sure that you co-ordinate your risk management plan with other 'responsible' persons. And if you amend your plan after a review you will need to share this information with the other responsible persons.

## Do I still need a fire certificate?

No. The order abolished fire certificates.

The emphasis of the order is to ensure that the person responsible for a premises takes an active responsibility for the protection of those using by carrying out regular fire safety reviews and adapting their fire management plan accordingly.

## Who will enforce the order?

The local fire authority is responsible for enforcement. Inspectors have the power to randomly inspect premises and ask to see

evidence that the order has been complied with.

## What measures can the inspector take?

If the regulations have been breached the inspector can issue various notices, depending on the severity of the breach:

- alterations notice – if the premises are a serious risk to occupiers this notice can be issued setting out alterations that need to be made to make it safe
- enforcement notice – if the responsible person has failed to comply with any provision of the order this notice sets out time scales for the situation to be remedied
- prohibition notice – if there is a sufficiently serious risk use of the building can be prohibited or restricted until specified remedial action has taken place

## Penalties for non-compliance

If a responsible person does not comply with the provisions of the fire safety order they may be prosecuted. The maximum penalty is an unlimited fine and/or a 2 year prison sentence.

If somebody is injured as a result of the responsible person's failure to comply they may bring civil claims for compensation for breach of statutory duty.



This is just a very brief summary of the regulations. If you feel you have any issues arising out of the fire safety regulations you should seek further, more detailed advice at [www.gardandco.com](http://www.gardandco.com).

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